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Security Council

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Resolution 2303 (2016)

Adopted by the Security Council at its 7752nd meeting, on 29 July 2016

The Security Council,

Recalling its resolutions, as well as the statements of its President, on Burundi, in particular its resolutions 2279 (2016) and 2248 (2015) and the statements of its President of 18 February 2015 (S/PRST/2015/6), 26 June 2015 (S/PRST/2015/13) and 28 October 2015 (S/PRST/2015/18), and its press statement of 19 December 2015,

Reiterating its deep concern about the persistence of violence in Burundi, as well as the persisting political impasse in the country and the attendant serious humanitarian consequences,

Stressing that the situation prevailing in Burundi has the potential to seriously undermine the significant gains achieved through the Arusha Peace and Reconciliation Agreement of 28 August 2000 (the Arusha Agreement), with devastating consequences for Burundi and the region as a whole,

Stressing the primary responsibility of the Government of Burundi for ensuring security in its territory and protecting its population, with respect for the rule of law, human rights and international humanitarian law, as applicable,

Reaffirming its strong commitment to the sovereignty, political independence, territorial integrity and unity of Burundi,

Strongly condemning all violations and abuses of human rights in Burundi, whoever perpetrates them, including those involving extra-judicial killings, sexual violence in the context of the political crisis, arbitrary arrests and detentions, including those involving children, forced disappearances, acts of torture and other cruel, inhuman and/or degrading treatment, harassment and intimidation of civil society organizations and journalists, restriction of fundamental freedoms, as well as indiscriminate use of grenade attacks, especially against civilians,

Noting reports of a decrease of public acts of violence and killings *while expressing concern* over reports of increased cases of forced disappearances and acts of torture *expressing* deep concern following the report from the Office of the High Commissioner on Human Rights (OHCHR) of 17 June 2016 (A/HRC/32/30), which documents 348 extrajudicial executions and about 651 cases of torture in

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Burundi between April 2015 and April 2016, committed mostly by the Burundian security forces as reported by OHCHR, and *expressing concern* over the significant number of arrest and detention cases involving children, who are often held in adult prisons,

Noting the cooperation and access provided by the Government of Burundi to the Office of the High Commissioner for Human Rights (OHCHR),

Noting the visits to Burundi from 1 to 8 March and from 13 to 17 June 2016 of the experts of the United Nations Independent Investigation on Burundi (UNIIB) requested by the Human Rights Council in its resolution of 17 December 2015,

Recalling that Burundi is a State Party to the Rome Statute of the International Criminal Court, and has obligations to fight impunity for crimes falling within the jurisdiction of the Court, *emphasizing* that the International Criminal Court (ICC) is complementary to national criminal jurisdictions, and *noting* the opening on 25 April 2016 of a preliminary examination by the Prosecutor of the ICC into the situation in Burundi since April 2015,

Underscoring its deep concern for the continued worsening of the humanitarian situation, marked by more than 270,000 Burundians seeking refuge in neighbouring countries, and *commending* the host countries for their efforts,

Strongly condemning all public statements, coming from in or outside the country, that incite violence or hatred towards different groups in Burundian society,

Stressing the utmost importance of respecting the letter and the spirit of the Arusha Agreement, which has helped to sustain a decade of peace in Burundi,

Stressing the urgency of convening a genuine and inclusive inter-Burundian dialogue, based on respect for the Constitution and the Arusha Agreement, *welcoming* in this regard the meetings of the political dialogue for Burundi held in Arusha from 21 to 24 May and from 12 to 14 July 2016, under the auspices of the Facilitator of the East African Community (EAC), Mr Benjamin William Mkapa, and *commending* the Facilitator's decision to convene further meetings, including with those stakeholders who were not present in Arusha,

Commending the African Union's active engagement for a peaceful solution to the Burundian crisis, *welcoming* in this regard the visit to Burundi, on 25 and 26 February 2016, by the African Union (AU) High-level Delegation, *noting* with satisfaction the readiness of the members of this Delegation to pursue their efforts, in support of the mediation efforts led by President Yoweri Museveni of Uganda (the Mediator) on behalf of the EAC, and *welcoming* the visit of the AU Peace and Security Council from 22 to 25 June 2016,

Stressing the importance of coordinating efforts between the African Union, the East African Community, the International Conference of the Great Lakes Region, the European Union and the United Nations, including the Special Adviser for conflict prevention, including in Burundi to continue to seek solutions to the crisis in Burundi,

Welcoming the consent of the Burundian authorities to increase the number of AU human rights observers to 100 and the number of AU military experts to 100, *expressing* concern over the significant delays in the deployment of the AU human

rights observers and military experts, *noting* that only 32 human rights observers and 15 military observers have been deployed to Burundi so far,

Noting that a number of bilateral and multilateral partners have suspended their financial and technical assistance to the Government of Burundi, in view of the situation in Burundi, and *encouraging* bilateral and multilateral partners and the Government of Burundi to continue their dialogue with a view to creating conducive conditions for resumption of the assistance, including by fulfilling the commitments announced by the Government of Burundi on 23 February 2016,

Reiterating its appreciation for the letter dated 24 January 2016 from the President of the Republic of Burundi (S/2016/76) expressing his Government's intention to cooperate closely with the United Nations team under the responsibility of the Special Adviser for Conflict Prevention, including in Burundi, on determining appropriate support for an inclusive dialogue process and in the areas of disarmament, security and human rights, and *expressing* its support for the efforts of the Secretary-General and his Special Adviser on conflict prevention, including in Burundi, in support of a peaceful resolution of the crisis, consistent with its resolutions 2248 (2015) and 2279 (2016),

Noting the Secretary-General's letter of 18 April 2016 on options for the deployment of a United Nations police contribution in Burundi (S/2016/352), pursuant to the Security Council's request in its resolution 2279 (2016),

Taking note of the consent of the Government of Burundi, in its letter to the President of the Security Council of 15 July 2016, for the deployment of a United Nations police component, including 50 United Nations police officers,

Recalling that the United Nations political engagement in Burundi aims at peacefully resolving the current crisis in the country, *stressing* that a United Nations police contribution would be an integral part of this engagement, and *agreeing* with the Secretary-General that the presence of a United Nations police contribution would help create an environment conducive to political dialogue by averting further deterioration of the security situation as well as human rights violations and abuses, enhance the United Nations' situational awareness and provide early warning capacity to enable national, regional and international stakeholders to address emerging security and human rights concerns,

Rejection of violence and respect for human rights

1. *Strongly urges* the Government of Burundi and all parties to cease and reject any kind of violence and condemn any public statement inciting violence or hatred, and *demands* that all sides in Burundi refrain from any action that would threaten peace and stability in the country or undermine the inter-Burundian dialogue as referred to in paragraph 6 of this resolution;

2. *Urges* the Government of Burundi to respect, protect and guarantee human rights and fundamental freedoms for all, in line with the country's international obligations, to adhere to the rule of law, to bring to justice and hold accountable all those responsible for crimes involving violations of international humanitarian law or violations and abuses of human rights, as applicable, including those involving sexual violence and all violations and abuses against children;

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3. *Welcomes* the steps made by the Government of Burundi to withdraw some media and civil society organizations bans, cancel some arrest warrants and release a number of detainees, and *urges* the Government of Burundi to urgently fulfil the remaining commitments it announced on 23 February 2016 and to re-open all media outlets and release all political detainees;

4. *Urges* the Government of Burundi to continue to cooperate fully with the Office of the High Commissioner for Human Rights (OHCHR), *requests* the Secretary-General, in conjunction with the United Nations High Commissioner for Human Rights, to take appropriate steps to reinforce the human rights monitoring capacity to monitor the situation in Burundi, consistent with paragraph 13 of this resolution;

5. *Expresses* its intention to pursue targeted measures against all actors, inside and outside Burundi, who threaten the peace and security of Burundi;

Inter-Burundian dialogue

6. *Urges* the Government of Burundi and all stakeholders committed to a peaceful solution, both those who are in Burundi and those outside the country, to take part actively, constructively and urgently in the EAC-led, AU-endorsed political dialogue facilitated by the Mediator and the EAC Facilitator, in order to hold a genuine and inclusive inter-Burundian dialogue, and *expresses* its full support to the Facilitator's efforts to increase the inclusiveness of this process;

7. *Requests* the Secretary-General, through the good offices of his Special Adviser for conflict prevention, including in Burundi, to continue to support the inter-Burundian dialogue as referred to in paragraph 6 of this resolution, and in this regard, to continue to coordinate and work with the EAC, AU-endorsed, Mediator and his Facilitator, as well as with the High-level delegation from the AU, and to provide all necessary technical and substantive support to the mediation;

8. *Requests* the Secretary-General, to swiftly implement the strengthening of the Office of the special adviser for conflict prevention, including in Burundi, as referred to in paragraph 10 of resolution 2279 (2016) and paragraph 7 of resolution 2248 (2015), by substantially increasing the number of political officers in Burundi in order to:

(i) Engage with all stakeholders to the crisis, including the Government, opposition, political parties, civil society, religious leaders and others,

(ii) Provide substantive support to the inter-Burundian dialogue as referred to in paragraph 6 of this resolution,

(iii) Work with all Burundian parties to develop confidence-building measures to improve the human rights and security situation, and foster an environment conducive to political dialogue;

Regional dimension

9. *Calls on* States in the region to contribute to a solution to the crisis in Burundi, and to refrain from any interference, including through supporting the activities of armed movements in any way, and to respect their obligations under international law, and recalls in this regard commitments of the States in the region under the Peace, Security and Cooperation Framework for the Democratic Republic

of the Congo and the Region and the 1951 Convention relating to the Status of Refugees;

African Union observers and experts

10. *Urges* the Government of Burundi, in coordination with the African Union Commission, to ensure the continued and full deployment of 100 AU human rights observers and 100 AU military experts without further delay, and *urges* the Government of Burundi and other concerned stakeholders to provide them with full cooperation and access in order to facilitate the implementation of their mandate;

11. *Requests* the Secretary General to report to the Security Council within 30 days, in close coordination with the AU, on proposals to enable the United Nations to facilitate the deployment of the AU observers and on modalities for cooperation between the United Nations police component, as referred to in paragraph 13 of this resolution, and the AU observers, taking into account their comparative advantages and within their respective mandates, in compliance with the United Nations standards and practices and consistent with the United Nations Human Rights Due Diligence Policy;

United Nations contingency planning

12. *Reaffirms* the importance of United Nations and AU contingency planning, and *requests* the Secretary-General to advance contingency planning, consistent with resolution 2279 (2016), to enable the international community to respond to any further deterioration of the situation and to report to the Security Council as needed with contingency planning proposals;

United Nations police component

13. *Requests* the Secretary-General to establish a United Nations police officers component in Burundi for an initial period of one year to monitor the security situation and to support OHCHR in monitoring human rights violations and abuses, under the authority of the Office of the Special Adviser for conflict prevention, including in Burundi, in coordination with the AU human rights observers and military experts in Burundi, in accordance with their respective mandates;

14. *Authorizes* a ceiling of 228 United Nations individual police officers for the United Nations police component as referred to in paragraph 13 of this resolution, headed by a United Nations senior police adviser, to be deployed in Bujumbura and throughout Burundi, and *requests* the Secretary-General to ensure their progressive deployment;

15. *Requests* the Secretary-General to take the necessary steps for the protection of United Nations personnel, facilities, installations, and equipment, pursuant to standard United Nations practices, in consultation with the Government of Burundi;

16. *Urges* the Government of Burundi, as well as all Burundian stakeholders, to cooperate fully with the deployment and activities of the United Nations police component in Burundi, and to allow full and unhindered access by United Nations personnel to places of detention and individual detainees;

17. *Calls on* Member States in the region, to allow the free, unhindered and expeditious movement to and from Burundi of all personnel, as well as equipment, provisions and supplies, which are for the exclusive and official use of the United Nations police component in Burundi;

18. *Expresses* its intent to keep under review and to adapt the size, composition and mandate of the United Nations police component in Burundi in light of the evolution of the security situation, as well as of the progress made in the respect of human rights and in a genuine and inclusive inter-Burundian dialogue as referred to in paragraph 6 of this resolution;

Reports of the Secretary-General

19. *Requests* the Secretary-General to report to the Security Council on the situation in Burundi every three months after the adoption of this resolution, including on any public incidents of incitements to hatred and violence, as well as on steps to ensure the deployment of the United Nations police component and on possible adaptations of the United Nations police component as referred to in paragraphs 13 and 14 of this resolution, and *further requests* the Secretary-General to provide written reports immediately to the Security Council, as necessary, on grave security incidents, violations of international humanitarian law and violations or abuses of human rights, as applicable, of which the United Nations police component in Burundi, together with OHCHR, has knowledge, whoever perpetrates them;

20. *Decides* to remain actively seized of the matter.